

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EUROPA MARITIME S.A.,

Plaintiff,

- against -

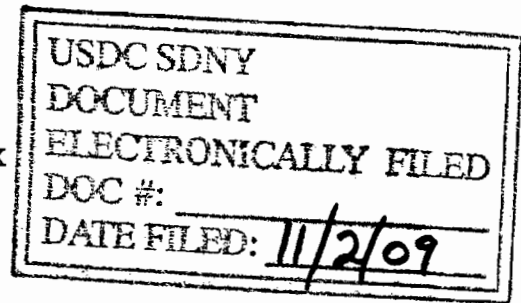
MANGANESE TRANS ATLANTIC CORP., et al.

Defendants.

-----X
DEBORAH A. BATTIS, United States District Judge.

On October 16, 2009, the Second Circuit Court of Appeals held that electronic fund transfers ("EFTs") by an intermediary bank are not property subject to attachment under Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure. Shipping Corp. of India Ltd. v. Jaldhi Overseas Pte Ltd., 2009 WL 3319675 (2d Cir. Oct. 16, 2009). Accordingly, it is HEREBY,

ORDERED that since funds in the amount of US\$774,500.00 were attached pursuant to the Court's Order of November 5, 2008, the attachment is VACATED to the extent that this sum or any portion thereof is the product of an electronic fund transfer. Plaintiff is directed to release immediately all attached funds through electronic fund transfers. This action shall be dismissed and the case closed within 72 hours of the date of this Order, unless Plaintiff before that time serves on the



08 Civ. 9523 (DAB)
ORDER

Defendants and delivers to the Court substantive evidence that some or all of the attached funds in the amount of US\$774,500.00 did not originate in or through an electronic fund transfer.

SO ORDERED.

Dated: New York, New York
November 2, 2009


Deborah A. Batts
United States District Judge